



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

BERRY & ASSOCIATES, P.C.  
9255 SUNSET BOULEVARD  
SUITE 810  
LOS ANGELES, CA 90069

**COPY MAILED**

**JUN 17 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Steve Lemke	:	
Application No. 09/727,984	:	DECISION ON PETITION
Filed: November 30, 2000	:	
Attorney Docket No. PALM-3280.US.P	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on October 15, 2007, to revive the above-identified application.

The application became abandoned for failure to file a reply to the final Office action mailed March 19, 2007.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Bosco Kim appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$810 filing fee and an amendment; (2) the petition fee of \$1,540;

and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED.**

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 2135 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "Andrea Smith", is positioned above the printed name.

Andrea Smith  
Petitions Examiner  
Office of Petitions